



# State of South Carolina

## Office of the Governor

MARK SANFORD  
GOVERNOR

POST OFFICE BOX 12267  
COLUMBIA 29211

June 4, 2007

The Honorable Robert W. Harrell, Jr.  
Speaker of the House of Representatives  
Post Office Box 11867  
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing H. 3833, R-77. This veto is based upon my belief that the bill contains unconstitutional special legislation.

This bill mandates that the Board of Trustees of Cherokee County School District 1 and the Board of Commissioners of Public Works of the City of Gaffney be elected at the same time and in the same manner as the Gaffney City Council. While the South Carolina Constitution, Article XI gives the General Assembly authority to establish, organize and support schools, the state Constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." *See S.C. Const. Art. III, Section 34(IX)*. Unfortunately, this bill combines constitutional changes to the School Board with unconstitutional changes to the Public Works Board.

The General Assembly has established a general statute addressing the election and terms of commissioners of public works in municipalities. *See S.C. Code Section 5-31-210, as amended*. It is unconstitutional for the General Assembly to pass special legislation, like H. 3833, R-77, in contravention of a general law. Each city's public works board or commission should be subject to the same general law, whether that law stipulates a runoff election method or not.

Additionally, this bill affects only the City of Gaffney and is, therefore, clearly an act for a specific municipality. Such acts are in violation of Article VIII, Section 10 of the Constitution of the State of South Carolina, which provides that "[n]o laws for a specific municipality shall be enacted."

For these reasons, I am vetoing H. 3833, R-77.

Sincerely,

A handwritten signature in dark ink, appearing to be "Mark Sanford", written over a horizontal line.

Mark Sanford

cc: The Honorable Dennis Moss